

REMARKS/ARGUMENTS

Claims 1, 3-13 and 41 are pending in the present application. Claims 2 and 14-40 were canceled; claims 1 and 41 were amended; and no claims were added. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness (Claims 1, 3, 4 and 6-13)

The Examiner has rejected claims 1, 3, 4 and 6-13 under 35 U.S.C. 103(a) as being unpatentable over Curtis, U.S. Patent No. 6,442,754 (hereinafter Curtis) in view of Te'eni et al., U.S. Patent No. 6,725,452 (hereinafter Te'eni) and Foster, U.S. Patent No. 6,675,382 (hereinafter Foster). Final Office Action pp. 3-11. This rejection is respectfully traversed.

Claim 1 has been amended to recite “including, in an installation package for the application, a data structure that provides” the previously recited elements of dependency and incompatibility. Support for the amendment is found in the specification [26] line 5. Applicants submit that the cited art, individually or in combination, is silent as to including a data structure with the limitations described into an installation package.

Claim 1 has been amended to recite “loading the installation package into a memory connected to a computer” and “using the computer so configured by the installation package.” Support for the amendment is found in the specification, paragraph [26]. Applicants submit that the cited art, individually or in combination, is silent as to loading an installation package that has a data structure included as discussed above.

The Examiner combined Te'nei with Curtis in order to include “an indication of incompatibility with a previously installed software component; and analyzing the sixth plurality of metadata to determine an eighth plurality of potential conflicts between the second plurality of software components to be installed and the first plurality of software components previously installed on the system.” The Examiner stated that the motivation came “to prevent any unsuccessful installation.” An explicit analysis must be provided in an obviousness rejection and such an explicit analysis has not been provided.

In regard to combining references, the Supreme Court has stated the following:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006). [R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.

KSR Int'l v. Teleflex Inc. 127 S. Ct.1727 (2007). Conclusory statements are insufficient to support obviousness rejections. In particular, “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006).

The Examiner stated the motivation to combine was “to prevent any unsuccessful installation.” As can be seen, an express analysis has not been provided in the Examiner’s reasons for combining the references. The Examiner has offered noting more than a general and pervasive goal or desire to “to prevent any unsuccessful installation.” To meet this goal, the Examiner states it would have been obvious to combine Te’eni with Curtis. Further, even if this conclusory statement or goal could be considered a “reason”, it does not have any articulated reasoning with some technical rational to select the specific combination of technical concepts as furthering performance.

Claims 2, 4 and 6-13 depend from claim 1 and distinguish over the cited art for the reasons set forth above in regard to claim 1.

Therefore, the rejection of claims 1, 3, 4 and 6-13 under 35 U.S.C. § 103 has been overcome.

II. 35 U.S.C. § 103, Obviousness (Claim 41)

The Examiner has rejected claim 41 under 35 U.S.C. 103(a) as being unpatentable over Curtis in view of Foster. Final Office Action pp. 12-14. This rejection is respectfully traversed.

Therefore, the rejection of claim 41 under 35 U.S.C. § 103 has been overcome.

Claim 41 has been amended to recite “including a semantic model in an installation package of the application.” Support for the amendment is found in the specification, paragraph [26] line 5. Applicants submit that the cited art, individually or in combination, is silent as to including a data structure with the limitations described into an installation package.

Claim 41 has been amended to further recite “responsive to loading the installation package into a memory connected to a computer, using the computer so configured by the installation package to perform steps comprising.” Support for the amendment is found in the specification, paragraph [26]. Applicants submit that the cited art, individually or in combination, is silent as to loading an installation package that has a data structure included as discussed above.

Claim 41 has been amended to further recite “storing a first record of each of a plurality of software components that is to be deployed in a read file.” Support for the amendment is found in the specification, paragraph [29] lines 1-6 and paragraph [33] lines 6-8. Claim 41 has been amended to further recite “storing a second record of each of a plurality of previously installed software components in a registry file.” Claim 41 has been amended to further recite “

when the read file is available to deploy, examining the registry file and accessing the semantic model to obtain a plurality of dependency information indicating a plurality of relationships among the plurality of application software components to be installed in the target and among a plurality of previously installed software components.” Support for the amendment is found in the specification, paragraph [33]. Applicants submit that the cited art, individually or in combination, is silent as to storing a record in a read file when the action is described in conjunction with accessing the semantic model.

Claim 41 has been amended to recite “when a component is installed, updating the registry file.” Support for the amendment is found in the specification, paragraph [33]. As described above, the prior art is silent as to the specific cooperation discussed above.

Claim 41 has been amended to recite “when a conflict is identified, taking an appropriate action.” Support for the amendment is found in paragraphs [12] and [38]. Applicants submit that this limitation distinguishes over the cited art when the limitation is read as part of the entire claim and is a result of the semantic model in the installation package (see arguments above as to these elements).

Claim 41 has been amended to recite “displaying a progress report by labeling the plurality of software components in the semantic model in a selected level of granularity.” Support for the amendment is found in the specification, paragraph [39]. Applicants submit that the cited art is silent as to displaying a progress report where the software components are labeled “in a selected level of granularity.” Assuming *arguendo* that such a progress report may be found in the prior art, then Applicants submit that the prior art is silent as to such a feature in a semantic model.

III. 35 U.S.C. § 103, Obviousness (Claim 5)

The Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Curtis in view of Te'eni and Foster as applied to Claim 4 above, and further in view of Bourke-Dunphy et al., U.S. Patent No. 6,918,112 (hereinafter Bourke-Dunphy). Final Office Action pp. 14-15. This rejection is respectfully traversed.

Claim 5 depends from claim 1 and distinguishes over the cited art for at least the same reasons as claim 1.

Therefore, the rejection of claim 5 under 35 U.S.C. § 103 has been overcome.

IV. Objection to Claims

Applicants have amended claim 41 to overcome the Examiner's objections.

V. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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